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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re F.G., a Person Coming Under the
Juvenile Court Law.

KERN COUNTY DEPARTMENT OF
HUMAN SERVICES,

Plaintiff and Respondent,

v.

D.G.,

Defendant and Appellant.

F057318

(Super. Ct. No. JD116941)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Kern County. Robert J. Anspach,
Judge.

Mario de Solenni, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

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* Before Vartabedian, Acting P.J., Cornell, J., and Kane, J.

Appellant D.G. is the biological father of one-year-old F. whom the Kern County Superior Court recently freed for adoption. (Welf. & Inst. Code, § 366.26.)¹ Appellant has been incarcerated throughout the child’s dependency and has no relationship with him. In addition, appellant never elevated his paternity status to that of a presumed father and therefore was not entitled either to custody or reunification services, including visitation. (*In re Zacharia D.* (1993) 6 Cal.4th 435, 449; § 361.5, subd. (a).) Indeed, on the figurative eve of the parental rights termination hearing, appellant questioned whether he was the child’s biological father. Appellant thereafter waived his right to appear at the hearing.

Appellant’s appointed appellate counsel has submitted a “NO ISSUE STATEMENT” in which he has concluded there are no issues that could be raised on appeal (*In re Sade C.* (1996) 13 Cal.4th 952). This court in turn extended time for appellant to personally file a letter brief, which he has done. In his letter, appellant asks this court to extend time until his 2010 prison release and give him a chance to be a father to the child.

This court has no authority to grant such relief. An appealed-from judgment or order is presumed correct. It is only when an appellant makes an affirmative showing of prejudicial error that a reviewing court may set aside the trial court’s decision. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) In this case, appellant does not claim that the superior court committed any error affecting the outcome. (*In re Sade C., supra*, 13 Cal.4th at p. 994.) Accordingly, we affirm.

“With no error or other defect claimed against the orders appealed from, the Court of Appeal [is] presented with no reason to proceed to the merits of any unraised ‘points’—and, a fortiori, no reason to reverse or even modify

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

the orders in question. [Citations.]” (*In re Sade C.*, *supra*, 13 Cal.4th at p. 994.)

Having reviewed his letter brief and the record herein, we conclude appellant raises no arguable issue regarding the court’s decision.

DISPOSITION

The order terminating parental rights is affirmed.